

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.2010 of 2010

and

M.P.No.1 of 2010

T.Abbas ... Petitioner

-vs-

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
Alandur, Chennai-16.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
No.1, Gandhi Irwin Road,
Egmore, Chennai-8. ... Respondents

(First respondent substituted as per
this order)

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned Notice No.34/09/F2 dated 23.12.2009 issued by the first respondent under Section 56 read with Section 85 of the Town and Country Planning Act, 1971 requiring demolition of the construction put up unauthorisedly without planning permission required under Section 49 of the said Act and quash the same and for mandamus, directing the respondents not to demolish the petitioner's premises, RCC Roof Building (Ground Floor & First Floor) of size 100' x 36' at Thiruvalluvar Nagar, Adambakkam comprised in T.S.No.122/4, Block No.1, Adambakkam village.

For Petitioner : Mr.P.Thiagarajan

For Respondents : Mr.G.Anantha Rangan for R1
Mr.N.Sampath for R2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks to assail the notice dated 23.12.2009, which was issued in view of the fact that the petitioner admittedly had not obtained the planning permission for carrying on the construction. The petitioner claims that he has subsequently approached the second respondent for relaxation. The second respondent had asked from the petitioner various documents, on the basis of which the application would be disposed of.

2. In the mean time, it is stated that the first respondent / Alandur Municipality has got merged with the Greater Chennai Corporation in the year 2011.

3. We direct the petitioner to file all the relevant documents with the first respondent within fifteen days from today, as the learned counsel for the second respondent states that since it is a residential building of ground plus first floor, the authority would vest with the Corporation of Chennai.

4. The first respondent is substituted by the Commissioner, Corporation of Chennai, Rippon Buildings, Chennai-600 003. The memo of parties be amended accordingly. Mr.G.Anantha Rangan, learned counsel accepts notice for Corporation of Chennai.

5. The Corporation will take a decision on the relaxation application within a period of two months of the expiry of fifteen days period for filing of all the relevant documents by the petitioner and the Corporation is free to proceed further in accordance with law.

6. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2010 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

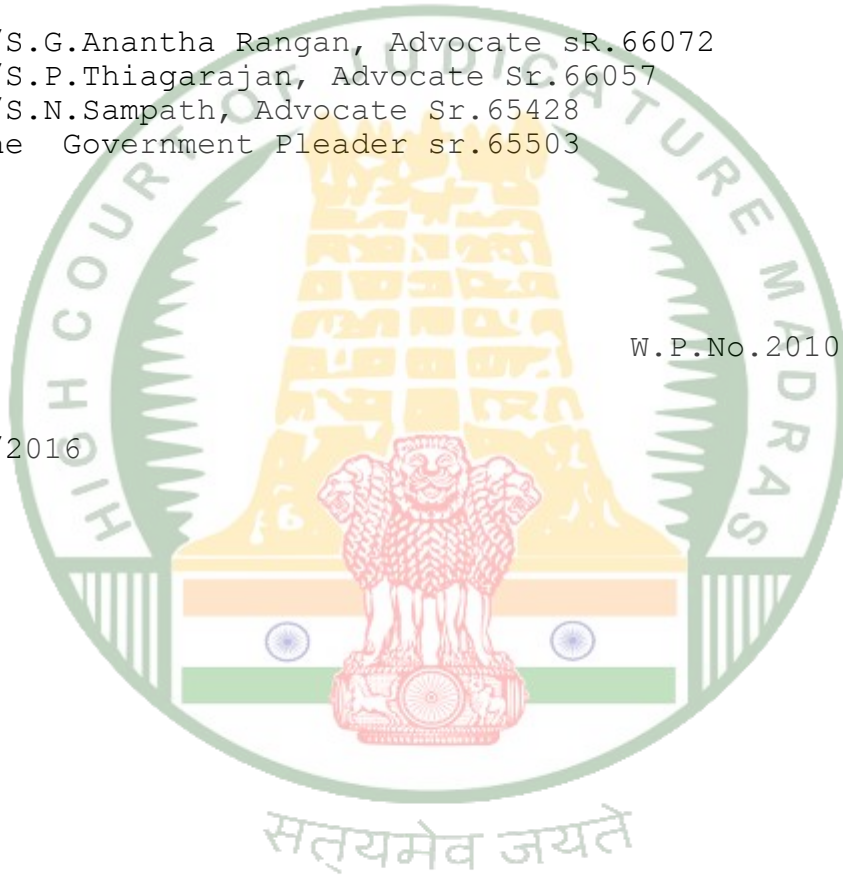
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2.The Member Secretary,
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No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

+1cc to M/S.G.Anantha Rangan, Advocate SR.66072
+1cc to M/S.P.Thiagarajan, Advocate Sr.66057
+1cc to M/S.N.Sampath, Advocate Sr.65428
+1cc to the Government Pleader sr.65503

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